



## JOINT PINOLE CITY COUNCIL & REDEVELOPMENT AGENCY AGENDA

TUESDAY,  
December 20, 2011  
6:00 P.M.

2131 Pear Street, Pinole, California

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**Roy Swearingen, Mayor/Chair**  
**Peter Murray, Mayor Pro Tem / Vice Chair**  
**Tim Banuelos, Council Member / Board Member**  
**Phil Green, Council Member/ Board Member**  
**Debbie Long, Council Member / Board Member**

**Public Comment:** The public is encouraged to address the City Council or Agency Board on any matter listed on the agenda or on any other matter within its jurisdiction subject to the rules of decorum described in Council Resolution 2009-124. If you wish to address the City Council or Agency Board, please complete the gold card that is provided at the rear entrance to the Council Chambers and hand the card to the City Clerk/Secretary. City Council or Agency Board will hear public comment on items listed on the agenda during discussion of the matter and prior to a vote. City Council or Agency Board will hear public comment on matters **not** listed on the agenda during Citizens to be Heard, Agenda Items 6.

**Americans With Disabilities Act:** In compliance with the Americans With Disabilities Act of 1990, if you need special assistance to participate in a City Meeting or you need a copy of the agenda, or the agenda packet in an appropriate alternative format, please contact the City Clerk's Office at (510) 724-8928. Notification at least 48 hours prior to the meeting or time when services are needed will assist the City staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service. Assisted listening devices are available at this meeting. Ask the City Clerk if you desire to use this device.

**Note:** Staff reports are available for inspection at the Office of the City Clerk, City Hall, 2131 Pear Street during regular business hours, 8:00 a.m. to 4:30 p.m. Monday – Thursday, and on the City Website at [www.ci.pinole.ca.us](http://www.ci.pinole.ca.us). You may also contact the City Clerk via e-mail at [pathenour@ci.pinole.ca.us](mailto:pathenour@ci.pinole.ca.us)

COUNCIL/REDEVELOPMENT AGENCY MEETINGS ARE TELEVISED LIVE ON CHANNEL 26. They are retelecast the following Thursday at 6:00 p.m. The Community TV Channel 26 schedule is published on the city's website at [www.ci.pinole.ca.us](http://www.ci.pinole.ca.us). City Council/Redevelopment Agency meetings are video-streamed live on the City's website, and remain archived on the site for six months.

**Ralph M. Brown Act. G.C. § 54950.** *In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly. The people of this State do not yield their sovereignty to the agencies, which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.*

**1. CALL TO ORDER & PLEDGE OF ALLEGIANCE IN HONOR OF THE US MILITARY TROOPS**

**2. ROLL CALL, CITY CLERK/SECRETARY'S REPORT & STATEMENT OF CONFLICT**

*An official who has a conflict must, prior to consideration of the decision: (1) publicly identify in detail the financial interest that causes the conflict; (2) recuse himself /herself from discussing and voting on the matter; and (3) leave the room until after the decision has been made, Cal. Gov't Code § 87200.*

**3. CONVENE TO A CLOSED SESSION – CITY COUNCIL /AGENCY BOARD (6-7 PM)**

*Closed Sessions are held in the Council Caucus/Community Meeting Room located at 2131 Pear Street, Pinole, California. Topics at Closed Session may include, but are not limited to License Permit Determinations, Conference with Real Property Negotiators, Conference With Legal Counsel (Existing & Anticipated Litigation), Liability Claims, Threat to Public Service/Facilities, Labor Negotiation, Public Employee Appointment, Evaluation or Discipline or Release, and Case Review/Planning, Report Involving Trade Secret, Hearings, and Charge Involving Information Protected By Federal Law. Citizens may address the Council / Agency Board regarding a Closed Session item prior to the Board adjourning into the Closed Session*

Pinole Redevelopment Agency Board of Directors

- A. CONFERENCE WITH LEGAL COUNSEL  
ANTICIPATED LITIGATION – Gov. Code §54956.9(b)(1) - One Matter

**RECONVENE IN OPEN SESSION TO ANNOUNCE RESULTS OF CLOSED SESSION**

**4. COUNCIL REORGANIZATION**

- A. Comments by Outgoing Mayor Swearingen
- B. Presentations & Comments to Mayor Swearingen from the Council
- C. Reorganization of the City Council & Redevelopment Agency Board of Directors  
Selection & Appointment of Mayor & Mayor Pro Tem in Accordance with Resolution 2010-87 [Council Report 2011-141; Action: Council Discretion to Nominate and Adopt Resolution of Appointment (Athenour)]
- D. Oath of Office Administered by City Clerk
- E. Comments from the Newly Seated Mayor

**RECEPTION TO FOLLOW IN CITY HALL ROTUNDA/LOBBY**

**RECONVENE TO REGULAR BUSINESS MEETING**

**5. RECOGNITIONS / PRESENTATIONS**

- A. Proclamations
- B. Presentations

**6. CITIZENS TO BE HEARD (Public Comments)**

*Citizens may speak under any item not listed on the Agenda. The time limit is 2 minutes for Agency Board items and 3 minutes for City Council items, and is subject to modification by the Mayor/ Chair. Pursuant to provisions of the Brown Act, no action may be taken on a matter unless it is listed on the agenda, or unless certain emergency or special circumstances exist. The City Council or Agency Board may direct staff to investigate and/or schedule certain matters for consideration at a future Agency meeting.*

## 7. CONSENT CALENDAR

*All matters under the Consent Calendar are considered to be routine and noncontroversial. These items will be enacted by one motion and without discussion. If, however, any interested party or Board/Council member(s) wishes to discuss a consent item, it will be removed from the Consent Calendar and taken up in order after the last item on the Consent Calendar.*

### Redevelopment Agency Board

- A. Receive the Loan Delinquency Report, dated December 5, 2011 [**Agency Report No. 2011-39; Action: Receive Report (Drazba)**]

### Joint Agency Board / City Council

- B. Approve the Minutes of the December 6, 2011 Meeting
- C. Receive the November 26 – December 16, 2011 Lists of Warrants and Receive the November 30, 2011 and December 9, 2011 Payroll in the Amount of \$391,000.94

### City Council

#### Continued from November 15, 2011

- D. Accept the Improvements and Direct Staff to Record A Notice of Completion for the Roadway Repair Program FY 2011-12 – MCK [**Council Report No. 2011-142; Action: Adopt Resolution Per Staff Recommendation (Castro)**]
- E. Accept the Improvements and Direct Staff to Record A Notice of Completion for the Heritage Park Vapor Barrier System – Pimentel Construction [**Council Report No. 2011-143; Action: Adopt Resolution Per Staff Recommendation (Castro)**]
- F. Authorize the City Manager to Enter into a Contract In the Amount Not to Exceed \$ 75,000 with CBX for Maintenance of the City's Surveillance Cameras In Three City Locations [**Council Report No. 2011-145; Action: Adopt Resolution Per Staff Recommendation (Hardester)**]

## 8. PUBLIC HEARINGS

## 9. OLD BUSINESS

### City Council

#### Continued Items From November 15, 2011

- A. Second Reading & **Adoption of Ordinance 2011-04** Authorizing the City to Make Certain Remittances to the County Auditor Controller in Accordance With Health and Safety Code Section 34194 and to Take All Other Actions Required in Order to Continue Redevelopment Activities in the City of Pinole [**Action: RECOMMENDATION FOR CONTINUANCE TO JANUARY 17, 2011(Downs)**]
- B. Conduct a Public Hearing to Consider Adoption of the Pinole Redevelopment Agency Operational and Debt Service Budgets For Fiscal Year 2011/12, [**Action: RECOMMENDATION FOR CONTINUANCE TO JANUARY 17, 2012 (Loomis)**]

#### Joint Agency Board / City Council – Public Hearing - Continued From November 15, 2011

- C. Approve the Remittance Agreement Between the Pinole Redevelopment Agency and the City of Pinole Regarding AB 27 and Associated Actions Thereto [**Action: RECOMMENDATION FOR CONTINUANCE TO JANUARY 17, 2012 (Downs)**]

City Council

- D. Report on the Final Design of the West Pinole Valley Park Soccer Field Improvements [**Council Report No. 2011-146; Action: Receive Report & Provide Direction (Allison/Wooldridge)**]

**10. NEW BUSINESS**

Redevelopment Agency Board

- A. Receive the Redevelopment Agency Annual Report for FY 2010/11 [**Agency Report 2011-40; Action: Receive Report (Fitzer/Kuykendall)**]

City Council

- B. Approve 2012 Council Delegate Assignments [**Council Report No. 2011-147; Action: Council Discretion to Approve Appointments (Athenour)**]

**11. REPORTS & COMMUNICATIONS**

- A. Mayor / Chair Report
  - 1. Announcements
- B. Mayoral / Council Appointments
  - 1. TAPS Committee Composition and Recruitment [**Council Report No. 2011-148; Action: Receive Report & Provide Direction to Staff (Athenour)**]
- C. City Council / Agency Board Committee Reports
- D. Council Requests For Future Agenda Items
- E. City Manager / Executive Director Report / Department Staff
- F. City Attorney Report

- 12. ADJOURNMENT** to the Regular Redevelopment Agency/City Council Meeting of January 17, 2012 and in memory of the fallen US Armed Service members and Pinole citizens Amber Swartz, Ruth Jones-Carroll, Betty Pierce, Michael Samuel O'Connor, Bill James Shurtz, Martha Byron (Escamilla), Girard A. Gill Sr, Beverly Estabrook and Lilton "Lee" Puckett.

**POSTED: December 16, 2011 at 10:00 A.M.**

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**Patricia Athenour, MMC**  
**City Clerk**

*Documents provided to a majority of the City Council after distribution of the packet, regarding any item on this agenda will be made available for public inspection at the Administration Counter at City Hall located at 2131 Pear Street in a binder located outside the Council Chambers at 2131 Pear Street, available during normal business hours. (Pursuant to SB 343-effective July 1, 2008)*